

Commission and NFA that sets forth the representations specified in the Advisory. By this Order, NFA is authorized to process notices of claims for exemption filed by qualifying CPOs pursuant to Advisory 18-96.

#### H. Recordkeeping Requirements

By prior orders, the Commission has authorized NFA to maintain various other Commission registration records and has certified NFA as the official custodian of such records for this agency.<sup>15</sup> The Commission has now determined, in accordance with its authority under Section 8a(10) of the Act, to authorize NFA to maintain and to serve as the official custodian of records for the filings, notices and claims required by Rules 4.26(d), 4.36(d), 4.5, 4.7, 4.12(b), 4.13 and 4.14(a)(8) and Commission Advisory 18-96. This determination is based upon NFA's representations regarding the implementation of rules and procedures for maintaining and safeguarding all such records, in connection with NFA's assumption of responsibility for the above-mentioned activities.

In maintaining the Commission's records pursuant to this Order, NFA shall be subject to all other requirements and obligations imposed upon it by the Commission in existing or future orders or regulations. In this regard, NFA shall also implement such additional procedures (or modify existing procedures) as are acceptable to the Commission and as are necessary: to ensure the security and integrity of the records in NFA's custody; to facilitate prompt access to those records by the Commission and its staff, particularly as described in other Commission orders or rules; to facilitate disclosure of public or nonpublic information in those records when permitted by Commission orders or rules and to keep logs as required by the Commission concerning disclosure of nonpublic information; and otherwise to safeguard the confidentiality of the records.

## II. Conclusion and Order

The Commission has determined, in accordance with the provisions of Sections 8a(10) and 17(o)(1) of the Act and NFA's letter dated August 27, 1997, to authorize NFA to perform the following functions:

(1) To conduct reviews of disclosure documents required to be filed with the Commission by CPOs and CTAs

pursuant to Rules 4.26(d) and 4.36(d), respectively;

(2) To process notices of eligibility for exclusion for certain otherwise regulated persons from the definition of CPO, pursuant to Rule 4.5;

(3) To process notices of claim for exemption from certain Part 4 requirements with respect to commodity pools and CTAs whose participants or clients are QEPs or QECs, respectively, pursuant to Rule 4.7;

(4) To process claims of exemption from certain Part 4 requirements for CPOs with respect to pools that principally trade securities, pursuant to Rule 4.12(b);

(5) To process statements of exemption from registration as a CPO, pursuant to Rule 4.13;

(6) To process notices of exemption from registration as a CTA for certain persons registered as an investment adviser, pursuant to Rule 4.14(a)(8);

(7) To process notices of claim for exemption from provisions of Part 4 for certain registered CPOs operating offshore pools, pursuant to Advisory 18-96; and

(8) To maintain and to serve as the official custodian of records for the filings, notices and claims required by the rules listed above.

NFA shall perform these functions in accordance with the standards established by the Act and the regulations and orders promulgated thereunder, particularly Part 4 of the regulations and Commission orders issued thereunder, and shall provide the Commission with such summaries and periodic reports as the Commission may determine are necessary for effective oversight of this program.

These determinations are based upon the Congressional intent expressed in Sections 8a(10) and 17(o) of the Act that the Commission have the authority to delegate to NFA any portion of the Commission's registration responsibilities under the Act for purposes of carrying out these responsibilities in the most efficient and cost-effective manner and upon NFA's representations concerning the standards and procedures to be followed and the reports to be generated in administering these functions.

This Order does not, however, authorize NFA to render "no-action" positions, exemptions or interpretations with respect to applicable disclosure, reporting, recordkeeping and registration requirements.

Nothing in this Order or in Sections 8a(10) or 17(o) of the Act shall affect the Commission's authority to review NFA's performance of the Commission

functions listed in paragraphs 1-8 above.

NFA is authorized to perform all functions specified herein until such time as the Commission orders otherwise. Nothing in this Order shall prevent the Commission from exercising the authority delegated herein. NFA may submit to the Commission for decision any specific matters that have been delegated to it, and Commission staff will be available to discuss with NFA staff issues relating to the implementation of this Order. Nothing in this Order affects the applicability of any previous orders issued by the Commission under Part 4.

Issued in Washington, D.C., on September 30, 1997 by the Commission.

**Catherine D. Dixon,**

*Assistant Secretary of the Commission.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### **TRICARE Formerly Known as the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Fiscal Year 1998 Mental Health Rate Updates**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice of updated mental health per diem rates.

**SUMMARY:** This notice provides for the updating of hospital-specific per diem rates for high volume providers and regional per diem rates for low volume providers; the updated cap per diem for high volume providers; the beneficiary per diem cost-share amount for low volume providers for FY 1998 under the TRICARE Mental Health Per Diem Payment System; and the updated per diem rates for both full-day and half-day TRICARE Partial Hospitalization Programs for fiscal year 1998.

**EFFECTIVE DATE:** The rates contained in this notice are effective for services occurring on or after October 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Stan Regensberg, Program Development Branch, TRICARE Support Office, telephone (303) 361-1342.

**SUPPLEMENTARY INFORMATION:** The final rule published in the **Federal Register** on September 6, 1988, (53 FR 34285) set forth reimbursement changes that were effective for all inpatient hospital admissions in psychiatric hospitals and exempt psychiatric units occurring on or after January 1, 1989. The final rule published in the **Federal Register** on

<sup>15</sup> 49 FR 39593 (October 9, 1984); 50 FR 34885 (August 28, 1985); 51 FR 25929 (July 17, 1986); 54 FR 19594 (May 8, 1989); 54 FR 41133 (October 5, 1989); 58 FR 19657 (April 15, 1993).

July 1, 1993, (58 FR 35-400) set forth maximum per diem rates for all partial hospitalization admissions on or after September 29, 1993. Included in these final rules were provisions for updating reimbursement rates for each federal fiscal year. As stated in the final rules, each per diem shall be updated by the Medicare update factor for hospitals and units exempt from the Medicare Prospective Payment System. The final rule published in the **Federal Register** March 7, 1995, (60 FR 12419) set forth retaining all per diems in effect at the end of fiscal year 1995 with no additional updates for fiscal years 1996 and 1997. Medicare has recommended a rate of increase of 0 percent for federal fiscal year 1998 for hospitals and units excluded from the prospective payment system. TRICARE will adopt this update factor for FY 1998 as the final update factor.

Hospital and units with hospital-specific rates (hospitals and units with high TRICARE volume) and regional specific rates for psychiatric hospitals and units with low TRICARE volume will have their TRICARE rates remain at FY 1995 levels. Partial hospitalization rates for full day and half day programs will also remain at FY 1995 levels. The cap amount for high volume hospitals and units will stay at the FY 1995 level. The beneficiary cost-share of low volume hospitals and units will also stay at the FY 1995 level. The wage portion of the regional rate subject to the area wage adjustment will be 71.1 percent for FY 1998.

Dated: October 1, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### List of Institutions of Higher Education Ineligible for Federal Funds

**AGENCY:** Department of Defense.

**ACTION:** Notice.

**SUMMARY:** This document is published to identify institutions of higher education that are ineligible for contracts and grants by reason of a determination by the Secretary of Defense that the institution prevents military recruiter access to the campus or students or maintains a policy against ROTC. It also implements the requirements set forth in the Omnibus Consolidated Appropriations Act of

1997 and 32 CFR Part 216. The institutions of higher education so identified are:

Washington College of Law of American University, Washington, DC  
William Mitchell College of Law, St. Paul, Minnesota

Recently, the following institution of higher education reported modifications to school policies sufficient to merit removal from the list of ineligible schools.

Willamette University College of Law, Salem, Oregon

The Omnibus Consolidated Appropriations Act of 1997 provides that schools prohibited by state laws or court rulings from providing the requisite degree of access for ROTC or military recruiting would not be denied funding prior to one year following the effective date of that law (i.e., not until March 29, 1998). However, that provision applies only to funds from agencies other than the Department of Defense, which is bound by provisions of the National Defense Authorization Acts for Fiscal Years 1995 and 1996. Therefore, the Secretary of Defense has determined that the following institutions of higher education prevent recruiter access to campuses, students, or student information and are ineligible for DoD contracts and grants.

Asnuntuck Community-Technical College, Enfield, Connecticut  
Capital Community-Technical College, Hartford, Connecticut  
Central Connecticut State University, New Britain, Connecticut  
Charter Oak State College, Newington, Connecticut  
Connecticut Community-Technical College, Winsted, Connecticut  
Eastern Connecticut State University, Willimantic, Connecticut  
Gateway Community-Technical College, North Haven, Connecticut  
Housatonic Community-Technical College, Bridgeport, Connecticut  
Manchester Community-Technical College, Manchester, Connecticut  
Middlesex Community-Technical College, Middletown, Connecticut  
Naugatuck Community-Technical College, Waterbury, Connecticut  
Norwalk Community-Technical College, Norwalk, Connecticut  
Quinebaug Valley Community-Technical College, Danielson, Connecticut  
Southern Connecticut State University, New Haven, Connecticut  
Three Rivers Community-Technical College, Norwich, Connecticut  
Tunxis Community-Technical College, Farmington, Connecticut  
Western Connecticut State University, Danbury, Connecticut

**ADDRESSES:** Director for Accession Policy, Office of the Assistant Secretary of Defense for Force Management Policy, 4000 Defense Pentagon, Washington, DC 20301-4000.

**FOR FURTHER INFORMATION CONTACT:** William J. Carr, (703) 697-8444.

**SUPPLEMENTARY INFORMATION:** On April 8, 1997 (62 FR 16694), the Department of Defense published 32 CFR part 216 as an interim rule. This rule and the Omnibus Consolidated Appropriations Act of 1997, requires the Department of Defense semi-annually to publish a list of the institutions of higher education ineligible for Federal funds. 32 CFR part 216 and the Secretary of Defense under 108 Stat. 2663, 10 U.S.C. 983, and 110 Stat. 3009 and/or this part identifies institutions of higher education that have a policy or practice that either prohibits, or in effect prevents, the Secretary of Defense from obtaining, for military recruiting purposes, entry to campuses, access to students on campuses, access to directory information on students or that has an anti-ROTC policy. On August 28, 1997 (62 FR 45631), the Department of Defense published a list of the institutions of higher education ineligible for Federal Funding; this listing updates and supersedes that listing.

Dated: September 30, 1997.

**L. M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Science Board Task Force on Satellite Reconnaissance

**ACTION:** Notice of Advisory Committee Meetings.

**SUMMARY:** The Defense Science Board Task Force on Satellite Reconnaissance will meet in closed session on September 29-30, 1997 at Headquarters NRO, Chantilly, Virginia. In order for the Task Force to obtain time sensitive classified briefings, critical to the understanding of the issues, this meeting is scheduled on short notice.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review the